

REMARKS

Applicant's Attorney appreciates the courtesy extended by the Examiner during a personal interview on July 17, 2008. During that interview the appropriate language for a frameless construction was discussed as well as the shape of the blades. The Rosenthal et al. U.S. Patent No. 2,904,407 and Cowels U.S. Patent No. 2,424,679 were discussed. An example of a commercial embodiment of the invention was also demonstrated.

In an Office Action of April 1, 2008, claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Rose (1,100,491) in view of Bakker (5,791,780).

It is respectfully submitted that amended claim 6 is patentably distinguished over the cited references. To be more specific amended claim 6 now calls for a plurality of flat rectangular shaped upwardly and downwardly extending blades with free ends above and below the disc and wherein each of the plurality of blades is inclined at about 40-50° from where a radius of the disc intersects the blade in a counter-clockwise direction away from the disc.

It is Applicant's contention that the Rose reference relates to a water lifting device i.e. a pump and as disclosed would provide minimal mixing, is confined to a pump housing, utilizes pivotal blades and has a shaft that extends through the disc as opposed to extending through the bore to the circular disc. It is also Applicant's contention that the Bakker reference does not disclose or suggest "a plurality of flat rectangular shaped upwardly and downwardly extending blades" as called for in amended claim 6.

With respect to the Cowels '679 and Rosenthal et al. '407 patent it is Applicant's contention that neither reference discloses or suggest a plurality of blades that extend outwardly in the peripheral direction away from the disc as called for in amended claim 6. In addition, the Rosenthal et al. patent discloses a plurality of scrapers for scraping the sides of a housing as opposed to a freely moveable mixer as disclosed by Applicant. The Cowels and Rose patents also disclose blades that are confined within a housing.

Finally, it is Applicant's contention that the solid disc as shown in Figure 3 as well in Figures 2 and 4 shows the free ends above and below the disc. The free ends are also clearly disclosed in the figures and in the Specification on page 4, lines 10-11. Accordingly, no new

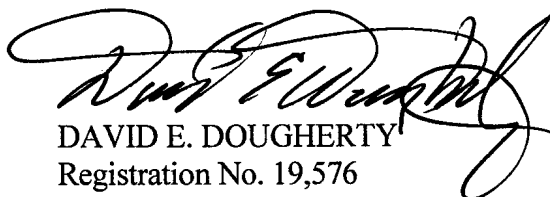
matter has been added.

Since amended claim 6, the only claim in the application, is now in proper form and clearly and patentably distinguished over the cited art prompt favorable action is requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN HAM & BERNER, LLP



DAVID E. DOUGHERTY
Registration No. 19,576

USPTO Customer No.
1700 Diagonal Road, Suite 300
Alexandria, VA 22314
(703) 684-1111
(703) 518-5499 Facsimile
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DED/EEM